

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NICOLE TAYLOR,

Plaintiff,

Case No: 22-cv-10788
HON.
MAG. JUDGE

v

WALMART INC. and/or
WALMART STORES, INC.,

Defendant.

FRANCI B. SILVER (P41166)
LEE STEINBERG LAW FIRM
Attorney for Plaintiff
29777 Telegraph Road - Suite 1555
Southfield, MI 48034
(248) 352-7777
(248) 352-6254 - fax
franci@leefree.net

RICHARD G. SZYMCAK (P29230)
D'ANTAE D. GOODEN (P83045)
PLUNKETT COONEY
Attorneys for Defendant
38505 Woodard Avenue Ste. 100
Bloomfield Hills, MI 48304
(810) 342-7007 (RGS)
(248) 594-5714 (DDG)
(248) 901-4040 – fax
rszymczak@plunkettcooney.com
dgooden@plunkettcooney.com
jbehrik@plunkettcooney.com

**NOTICE OF REMOVAL OF CAUSE TO THE
UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

Defendant, WAL-MART STORES EAST, LP, a Foreign Limited
Partnership (misidentified as WALMART INC. and/or WALMART STORES,

INC) under 28 U.S.C. §§ 1332, 1441, and 1446, hereby notify this Honorable Court of the removal of this action:

1. On or about March 8, 2022, Nicole Taylor (Plaintiff) filed a lawsuit which is now pending in the Circuit Court for the County of Macomb, State of Michigan, bearing Case No.: 2022-997-NO.

2. Wal-Mart Stores East, LP (incorrectly identified as Walmart Inc., and/or Walmart Stores, Inc.) (Defendant) was served with the Summons and Complaint via Certified Mail on or about March 24, 2022.

3. This action is a suit at common law of a civil nature, as alleged in Plaintiff's Complaint, brought by Plaintiff, Nicole Taylor, against Defendant, for negligence and premises liability, in which Plaintiff seeks monetary damages.

4. This action involves a controversy which is wholly between citizens of different states. Plaintiff is a resident of the County of Macomb, State of Michigan. Defendant is a Delaware limited partnership whose members are WSE Management, LLC and WSE Investment LLC, both of which are Delaware limited liability companies based in Arkansas. The sole member of both WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC, which is an Arkansas limited liability company with its principal place of business in Bentonville, Arkansas. The sole member

of Wal-Mart Stores East LLC is Wal-Mart Inc., formerly Wal-Mart Stores, Inc., a Delaware corporation with its principal place of business in Bentonville, Arkansas.

5. Defendant is not a corporation created or organized under the laws of the State of Michigan, is not domiciled in Michigan, and does not have its principal place of business in the State of Michigan.

6. The action filed by Plaintiff against Defendant is one involving complete diversity of citizenship under 28 U.S.C. § 1332 as a civil action between citizens of the State of Michigan and the State of Delaware.

7. This action is one over which the District Courts of the United States are given original jurisdiction.

8. The time in which Defendant is required to file this Notice of Removal to Federal Court has not yet expired.

9. Pursuant to Plaintiff's Complaint, Plaintiff seeks to recover damages more than \$25,000.00 exclusive of costs, interest, and attorney fees in this matter, and further alleges that Plaintiff sustained numerous and serious injuries to his person. Defendants asserts that, more likely than not, the amount in controversy exceeds the jurisdictional requirements of 28 U.S.C. § 1332(a) if Plaintiff prevails on his claims, which include injuries that Plaintiff claims to have caused him to incur future,

extensive medical, surgical, hospital and doctor bills. Plaintiff further claims that the alleged negligence of Defendant did aggravate, accelerate and/or precipitate such previous condition, including a latent condition. Plaintiff also claims that he will be unable to participate in the usual activities of life indulged in prior to said accident.

10. Under 28 U.S.C. § 1441 *et seq.*, Defendant is entitled to remove this action to the United States District Court for the Eastern District of Michigan, since the district court would have had original jurisdiction over Plaintiff's claims. Attached to this Notice of Removal is a copy of the Complaint setting forth Plaintiff's claims for relief. A written Notice of the Filing of this Removal has been given to all parties as required by law and is attached hereto.

11. A true and correct copy of this Notice of Filing Removal and Notice of Removal has been filed with the Clerk of the Court of the County of Bay, State of Michigan, as provided by law.

12. Based upon the foregoing, Defendant is entitled to removal of this action to the United States District Court for the Eastern District of Michigan, under 28 U.S.C. § 1441, *et seq.*

WHEREFORE Defendant respectfully requests that it be allowed to effect removal of this action.

PLUNKETT COONEY

/s/ D'Antae D. Gooden

D'Antae D. Gooden (P83045)

Attorneys for Defendant

38505 Woodward Ave., Ste. 100

Bloomfield Hills, MI 48304

Dated: April 12, 2022

PROOF OF SERVICE

JANET BEHRIK CERTIFIES THAT ON THE 12TH DAY OF APRIL, 2022, SHE CAUSED TO BE SERVED A COPY OF NOTICE OF REMOVAL OF CAUSE TO THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION AND PROOF OF SERVICE VIA CM/ECF ELECTRONIC FILING WITH THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION, AND VIA EMAIL AND U.S. MAIL, UPON:

FRANCI B. SILVER (P41166)
LEE STEINBERG LAW FIRM
29777 Telegraph Road - Suite 1555
Southfield, MI 48034

/s/ Janet Behrik

JANET BEHRIK

EXHIBIT A



**Service of Process
Transmittal**

03/24/2022

CT Log Number 541286146

TO: KIM LUNDY- EMAIL
Walmart Inc.
GLOBAL GOVERNANCE/CENTRAL INTAKE, 2914 SE I STREET MS#0200
BENTONVILLE, AR 72712-3148

RE: Process Served in Michigan

FOR: WALMART INC. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: TAYLOR NICOLE // To: WALMART INC.

DOCUMENT(S) SERVED: Letter, Summons, Proof, Complaint, Attachment(s)

COURT/AGENCY: Macomb County Circuit Court, MI
Case # 22997NO

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition - 09/15/2020, at 18400 Hall Road in the City of Clinton Township, County of Macomb, State of Michigan

ON WHOM PROCESS WAS SERVED: The Corporation Company, Plymouth, MI

DATE AND HOUR OF SERVICE: By Certified Mail on 03/24/2022 postmarked on 03/22/2022

JURISDICTION SERVED : Michigan

APPEARANCE OR ANSWER DUE: Within 28 days

ATTORNEY(S) / SENDER(S): Franci B. Silver
Lee Steinberg Law Firm, P.C.
29777 Telegraph Rd., Suite 1555
Southfield, MI 48034
248-353-7777

ACTION ITEMS: CT has retained the current log, Retain Date: 03/24/2022, Expected Purge Date: 04/03/2022

Image SOP

REGISTERED AGENT ADDRESS: The Corporation Company
40600 Ann Arbor Road E
Suite 201
Plymouth, MI 48170
877-564-7529
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

leesteinberglawfirm

1-800-LEE-FREE

Personal Injury Lawyers

29777 Telegraph Rd.

Suite 1555

Southfield, MI 48034

CERTIFIED MAIL



7020 3160 0002 0761 2254



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MAILED FROM ZIP CODE 48034

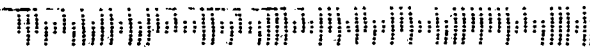
Walmart, Inc.

R/A The Corporation Company

40600 Ann Arbor Rd., E., Ste. 201

Plymouth, MI 48170

4817034575 0021



Lee B. Steinberg
Brian M. Bez**
Franci B. Silver
Michael G. Simon
Debra A. Garlinghouse
Eric S. Steinberg
Rita N. Shoka
Christopher J. Gatz
Rebecca H. Filiatraut
Amy L. Gubesch

leesteinberglawfirm
1-800-LEE-FREE
Personal Injury Lawyers

29779 Telegraph Road
Suite 1555
Southfield, MI 48034
Tel: (800) 533-3733
Fax: (248) 352-6254

Offices: Flint, Saginaw
and Southfield
www.1800leefree.com

Sheldon D. Ertlich, Of Counsel

* Also admitted to Texas and Wisconsin

** Also admitted to Florida

March 22, 2022

Via Certified Mail Return Receipt

Walmart, Inc.
R/A The Corporation Company
40600 Ann Arbor Rd., E., Ste. 201
Plymouth, MI 48170

Re: Nicole Taylor vs. Walmart
Case No.: 22-000997-NO

Dear Sir/Madam:

Enclosed, you will find a Summons and Complaint and Demand for Trial by Jury filed against Walmart, Inc., regarding injuries sustained to my client, Nicole Taylor, relative to the above captioned matter. Please turn these documents over to your legal counsel for immediate handling.

Thank you for your cooperation in this regard.

Very truly yours,

LAW OFFICES OF LEE B. STEINBERG, P.C.



FRANCI B. SILVER

FBS/klh
Enclosure

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS	CASE NO. 22- 997 -NO
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Court address

40 N. Main Street, Mt. Clemens, MI 48043

Court telephone no.

586-469-5351

Plaintiff's name(s), address(es), and telephone no(s).

Nicole Taylor

Defendant's name(s), address(es), and telephone no(s).

Walmart Inc., and/or Walmart Stores, Inc.

v

Plaintiff's attorney, bar no., address, and telephone no.

 Franci B. Silver (P41166)
 29777 Telegraph Road, Ste. 1555
 Southfield, MI 48034
 (248) 352-6254

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. Attached is a completed case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☒ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

 been previously filed in ☐ this court, ☐ _____ Court, where

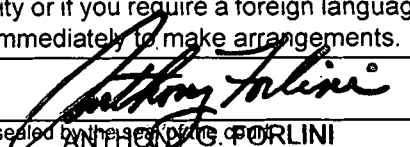
it was given case number _____ and assigned to Judge _____.

 The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 03-08-2022	Expiration date* 06-07-2022	Court clerk  ANTHONY J. FORLINI
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

NICOLE TAYLOR,

Plaintiff,

vs.

WALMART INC. and/or WALMART
STORES, INC.,

Defendant.

CASE NO.: 22- 997 -NO
HON.

JAMES M. BIERNAT, JR.

FRANCI B. SILVER (P41166)
Lee Steinberg Law Firm, P.C.
Attorney for Plaintiff
29777 Telegraph Rd., Suite 1555
Southfield, MI 48034
(248) 352-7777 / Fax: (248) 352-6254
franci@leefree.net

RECEIVED

MAR 08 2022

ANTHONY G. FORLINI
Macomb County Clerk

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this complaint pending in this court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this court.

COMPLAINT

NOW COMES Plaintiff, NICOLE TAYLOR, by and through her attorneys LEE STEINBERG LAW FIRM, P.C., by FRANCI B. SILVER and for her Complaint against the Defendant, WALMART INC., and/or WALMART STORES, INC., respectfully represent unto this Honorable Court as follows:

GENERAL AVERMENTS

1. That Plaintiff, NICOLE TAYLOR, was at all times relevant hereto, a resident of the City of Clinton Township, County of Macomb, State of Michigan.

2. The Defendant, WALMART INC. and/or WALMART STORES, INC., is a Foreign Profit Corporation, authorized to do and doing business in the County of Macomb, State of Michigan.

3. That the within complained about events happened in the City of Clinton Township, County of Macomb, State of Michigan.

4. That the amount in controversy exceeds TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) exclusive of costs, interest and attorney fees, and is otherwise within the jurisdiction of this Court.

5. That on or about September 15, 2020, Plaintiff, NICOLE TAYLOR, was a business invitee on the property owned by Defendant, WALMART INC. and/or WALMART STORES, INC., located at 18400 Hall Road in the City of Clinton Township, County of Macomb, State of Michigan.

6. That on the aforesaid date, Plaintiff, NICOLE TAYLOR, was shopping in the paint aisle, looking at paint options when, all of a sudden, one of the shelves fell off the wall and landed on her left foot, causing Plaintiff to sustain the serious injuries hereinafter set forth.

7. That the Defendant, WALMART INC. and/or WALMART STORES, INC., owed a duty to the public, it's invitees, and in particular, to the Plaintiff, and breached said duties in the following ways, including but not limited to:

- A. Failing to inspect the premises and thereupon remove the dangerous and defective condition herein;
- B. By negligently failing to exercise reasonable care to protect against the hazards arising from the existence of a defective shelf on the premises, more specifically in the paint department;
- C. By failing to exercise due care and caution in the inspection of the premises to ascertain the presence of a defect on the premises in obvious disregard for the safety, health and well-being of the Plaintiff;

- D. By failing to correct a dangerous condition on their premises, to wit: defective shelf obvious disregard for the health, safety and well-being of the Plaintiff;
- E. By failing to properly maintain and/or repair said existing defect when the Defendant knew that said defect posed an unreasonable risk to tenants, and in particular, the Plaintiff;
- F. By allowing the existence of a defect on the premises over a considerable period of time, when the Defendant knew or by the exercise of reasonable care should have known that said defect would cause persons, and more particularly the Plaintiff, to become injured upon the premises;
- G. By failing to maintain and/or to properly repair said defect on said premises to allow the Plaintiff to walk safely upon the premises, and by failing to provide a clear and safe manner for persons, more particularly the Plaintiff, to walk safely about the premises;
- H. Failure to use ordinary care for Plaintiff's safety;
- I. Failure to exercise reasonable care for Plaintiff's safety in the circumstances;
- J. Other such negligence.

8. That as a direct and proximate result of the above-mentioned negligence of the Defendant, WALMART INC. and/or WALMART STORES, INC., the Plaintiff, NICOLE TAYLOR, sustained injuries, including, but not limited to left foot injury requiring surgery which has resulted in past, present and future pain and suffering, mental anguish, loss of enjoyment of life, loss of function, loss of earnings and earning capacity, all of which were permanent in nature.

9. That as a further direct and proximate result of the negligence of the Defendant, WALMART INC. and/or WALMART STORES, INC., Plaintiff has in the past and will in the ~~future incur extensive medical, hospital and doctor bills.~~

10. That in the event the Plaintiff was suffering from a pre-existing condition, whether congenital or caused by disease, injury or trauma, then, in that event, the Plaintiff further alleges

that the injuries caused by the negligence of the Defendants did aggravate, accelerate and/or precipitate such previous condition, including a latent condition.

11. That Plaintiff was remuneratively employed and has lost a considerable sum in wages and will continue to have such loss in the future; that he has suffered permanent impairment of her earning capacity and earnings.

12. That Plaintiff is and will be unable to participate in the usual activities of life indulged in prior to said accident.

WHEREFORE, Plaintiff, NICOLE TAYLOR, prays this Court grant judgment in her favor and against Defendant, WALMART INC. and/or WALMART STORES, INC., for whatever amount in excess of TWENTY-FIVE THOUSAND AND 00/100 (\$25,000.00) DOLLARS to which she is found entitled, together with costs, interest and attorney fees.

Respectfully submitted,

LEE STEINBERG LAW FIRM, P.C.

BY: 

FRANCI B. SILVER (P41166)

Attorney for Plaintiff

29777 Telegraph Rd., Suite 1555

Southfield, MI 48034

(248) 352-7777

Dated: March 7, 2022

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

NICOLE TAYLOR,

Plaintiff,

vs.

WALMART INC. and/or WALMART
STORES, INC.,

Defendant.

CASE NO.: 22- 997 -NO
HON.

JAMES M. BIERNAT, JR.

FRANCI B. SILVER (P41166)
Lee Steinberg Law Firm, P.C.
Attorney for Plaintiff
29777 Telegraph Rd., Suite 1555
Southfield, MI 48034
(248) 352-7777 / Fax: (248) 352-6254
franci@leefree.net

RECEIVED

MAR 08 2022

ANTHONY G. FORLINI
Macomb County Clerk

DEMAND FOR JURY

NOW COMES the Plaintiff, NICOLE TAYLOR, by and through her attorneys, the LEE STEINBERG LAW FIRM, P.C., by FRANCI B. SILVER, and respectfully demands a trial by jury pursuant to MCR 2.508(B), in the above matter.

Respectfully submitted,

LEE STEINBERG LAW FIRM, P.C.

BY: 

FRANCI B. SILVER (P41166)
Attorney for Plaintiff
29777 Telegraph Rd., Suite 1555
Southfield, MI 48034
(248) 352-7777

Dated: March 7, 2022

EXHIBIT B

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

NICOLE TAYLOR,

Plaintiff,
v

CASE NO.: 22-997-NO
HON. James M. Biernat

WALMART INC. and/or
WALMART STORES, INC.

Defendant.

FRANCI B. SILVER (P41166)
LEE STEINBERG LAW FIRM
Attorney for Plaintiff
29777 Telegraph Road - Suite 1555
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(248) 352-7777
(248) 352-6254 - fax
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RICHARD G. SZYMCAK (P29230)
D'ANTAE D. GOODEN (P83045)
PLUNKETT COONEY
Attorneys for Defendant
38505 Woodard Avenue Ste. 100
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(248) 594-5714 (DDG)
(248) 901-4040 – fax
rszymczak@plunkettcooney.com
dgooden@plunkettcooney.com
jbehrik@plunkettcooney.com

NOTICE OF FILING REMOVAL

TO: CLERK OF THE COURT
Macomb County Circuit Court
40 N. Main St.
Mt. Clemens, MI 48033

-and-

Franci B. Silver (P41166)
Lee Steinberg Law Firm
29777 Telegraph Road – Suite 1555
Southfield, MI 48034

PLEASE TAKE NOTICE that Defendant, WAL-MART STORES EAST, LP,
(incorrectly identified as Walmart, Inc. and/or Walmart Stores, Inc.) this day filed its

Notice of Removal of this matter to the United States District Court, with the office of the Clerk of the Court for the United States District Court, Eastern District of Michigan, Southern Division, copies of which are attached hereto.

PLUNKETT COONEY

/s/ D'Antae D. Gooden
D'Antae D. Gooden (P83045)
Attorneys for Defendant
38505 Woodward Ave., Ste. 100
Bloomfield Hills, MI 48304

Dated: April 12, 2022

PROOF OF SERVICE

The undersigned certifies that on the 12th day of April, 2022, a copy of the foregoing document was served upon the attorney(s) of record in this matter at their stated business address as disclosed by the records in herein via:

<input type="checkbox"/> Hand delivery	<input type="checkbox"/> Overnight mail
<input type="checkbox"/> U.S. Mail	<input type="checkbox"/> Facsimile
<input type="checkbox"/> Email	<input checked="" type="checkbox"/> Electronic e-serve

I declare under the penalty of perjury that the foregoing statement is true to the best of my information, knowledge, and belief.

/s/ Janet Behrik

Janet Behrik

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